



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

04 MAY 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7006 2760 0000 8644 6671

Mr. Donnie Horner
Director Operations
Checker Services
1512 Marsh Avenue
Kansas City, Missouri 64126

RE: Checker Services
Kansas City, Missouri

Dear Mr. Horner:

Letter of Warning/Request for Information

On December 18, 2014, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report, and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations, a list of questions and/or requested information, and instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: NAME, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Ms. Deborah Bredehoft, of my staff, at (913) 551-7164.

Sincerely,



Donald Toensing,
Chief

Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

Enclosures (3)

cc: Ms. Nicole Eby, Missouri Department of Natural Resources
Missouri Department of Natural Resources Regional Office

bcc: Mr. Peter Fulweiler, ENST

List of Violations
Checker Services
Kansas City, Missouri

1. Title 10 Code of State Regulations (10 CSR) 25-5.262(1) referencing Title 40 Code of Federal Regulations (40 CFR) 262.11 – Failure to make a hazardous waste determination on paint waste.
2. * 10 CSR 25-11.279(1) referencing 40 CFR 279.21(c) – Failure to label two containers with the words “Used Oil.”

*The above-listed violation was addressed through previous correspondence.

Requested Information
Checker Services
Kansas City, Missouri

1. With regard to Violation Number 1, please complete a hazardous waste determination on the paint waste generated by your facility and provide the following information:
 - a. a hazardous waste determination is completed by performing the following:
 - i. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4.
 - ii. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR 261. **If the waste is a listed waste, please provide the listed waste code in your response;** and
 - iii. a determination of whether or not the waste is identified in 40 CFR 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. The laboratory analyses required may include ignitability tests (40 CFR 261.21), corrosivity tests (40 CFR 261.22), reactivity tests (40 CFR 261.23), and/or toxicity characteristic leaching procedure (TCLP) testing. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**
 - iv. If your facility elects to apply knowledge to make a waste determination of the waste streams identified in Violation Number 1, you must provide a detailed explanation and your reasoning regarding the basis for this determination. Material Safety Data Sheets (MSDS) may provide information to supplement your response. **Also, if you apply knowledge to make the determination, please include all hazardous waste codes for the wastes in your response.**
 - b. the amount (i.e., pounds, kilograms, gallons, etc.) of paint waste generated by your facility on a monthly basis; and
 - c. copies of the paperwork from the last two shipments of paint waste removed from your facility by Safety-Kleen.
2. With regard to the parts washer solvent that Safety-Kleen replaces every three months, please provide the following information:
 - a. state if Safety-Kleen removes any parts washer solvent from your facility;
 - b. if Safety-Kleen does remove any parts washer solvent, please complete a hazardous waste determination on the removed parts washer solvent by providing the following information:
 - i. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4.
 - ii. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR 261. **If the waste is a listed waste, please provide the listed waste code in your response;** and

- iii. a determination of whether or not the waste is identified in 40 CFR 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. The laboratory analyses required may include ignitability tests (40 CFR 261.21), corrosivity tests (40 CFR 261.22), reactivity tests (40 CFR 261.23), and/or toxicity characteristic leaching procedure (TCLP) testing. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**
 - iv. If your facility elects to apply knowledge to make a waste determination of the waste streams identified in Violation Number 1, you must provide a detailed explanation and your reasoning regarding the basis for this determination. Material Safety Data Sheets (MSDS) may provide information to supplement your response. **Also, if you apply knowledge to make the determination, please include all hazardous waste codes for the wastes in your response.**
 - c. copies of the 2014 and 2015 paperwork for removal of the parts washer solvent;
 - d. the amount of parts washer solvent removed from your facility by Safety-Kleen in 2014 and 2015; and
 - e. a copy of your agreement with Safety-Kleen.
3. With regard to the shop rags used by your facility, please provide the following information:
- a. state if any chemicals (i.e., solvents, etc.) are used with the shop rags;
 - b. if any chemicals are used with the shop rags, please provide the following:
 - i. the names (i.e., ABC solvent, etc.) and types (i.e., brake cleaner, solvents, etc.) of the chemicals used with the shop rags;
 - ii. a hazardous waste determination on the shop rags, by providing the following information:
 - 1. a determination of whether or not the waste has been excluded from regulation under 40 CFR 261.4.
 - 2. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR 261. **If the waste is a listed waste, please provide the listed waste code in your response;** and
 - 3. a determination of whether or not the waste is identified in 40 CFR 261 Subpart C. To determine whether the waste fails any of the characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. The laboratory analyses required may include ignitability tests (40 CFR 261.21), corrosivity tests (40 CFR 261.22), reactivity tests (40 CFR 261.23), and/or toxicity characteristic leaching procedure (TCLP) testing. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**

4. If your facility elects to apply knowledge to make a waste determination of the waste streams identified in Violation Number 1, you must provide a detailed explanation and your reasoning regarding the basis for this determination. Material Safety Data Sheets (MSDS) may provide information to supplement your response. **Also, if you apply knowledge to make the determination, please include all hazardous waste codes for the wastes in your response.**
- iii. the amount of shop rags generated on a monthly basis;
 - iv. state how your facility manages the shop rags prior to G&K Services removing the rags to be laundered.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

